

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

)
WEST BEND INSURANCE)
COMPANY,) *Electronically Filed*
) CASE NO. 3:24-cv-00038-RLY-CSW
PLAINTIFF)
)
VS.)
)
TIMOTHY BROWN,)
MEGAN BROWN)
)
AND)
)
INTEGRITY BACKYARD BUILDS, LLC)
)
DEFENDANTS)
)
)
)

)

**PLAINTIFF WEST BEND INSURANCE COMPANY'S
MOTION FOR DEFAULT JUDGMENT**

Comes the Plaintiff, West Bend Insurance Company ("West Bend"), by counsel, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, and files this Motion for Default Judgment against all Defendants, and states as follows:

1. On or about February 27, 2024, West Bend filed a Complaint for Declaratory Judgment (Doc. 1) against Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown.
2. On or about January 23, 2025, West Bend filed a Motion for Entry of Default by the Clerk as to all Defendants (Doc. 27).
3. On February 18, 2025, the Clerk of Court, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, entered a default against Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown (Doc. 28).

4. West Bend now moves this Court for default judgment against Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

5. In support of this Motion, and for purposes of judicial economy, West Bend incorporates the law from its Memorandum in Support of its Motion for Summary Judgment (Doc. No. 22).

6. Because it is clear from the record that Defendants Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown failed to respond to West Bend's Complaint for Declaratory Judgment, West Bend is entitled to default judgment against Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure.

WHEREFORE, for all the foregoing reasons, West Bend's Motion should be granted and:

1. The Court should grant default judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, against Integrity Backyard Builds, LLC, Timothy Brown, and Megan Brown, with regard to the matters addressed by West Bend's Complaint for Declaratory Judgment.

2. The Court should rule that the matters alleged in West Bend's Complaint for Declaratory Judgment be deemed true for purposes of this coverage action, without admitting liability, if any, to or against Timothy and Megan Brown in the underlying case, Cause No. 74C01-2310-PL-000549, pending in the Circuit Court of Spencer County, IN.

3. The Court should rule that there is no coverage available under the West Bend policy to any of the named defendants for the allegations set forth in the underlying civil action filed in the Circuit Court of Spencer County, Indiana, Cause No. 74C01-2310-PL-000549, by

Timothy and Megan Brown, naming Integrity Backyard Builds, LLC. (A copy of the Spencer County Complaint is attached as **Exhibit 1**).

4. The Court should enter its Order of default judgment, ruling that West Bend owes no duty to defend or indemnify Integrity Backyard Builds, LLC with respect to the claims asserted by Timothy and Megan Brown pending in the Circuit Court of Spencer County.

5. The Court should enter its Order that provides that West Bend's policy is not available to satisfy any judgment that may be secured or awarded to Defendants Timothy and Megan Brown, as Plaintiffs in the underlying Spencer County Circuit Court action, that may be awarded against Integrity Backyard Builds, LLC.

6. And that the Court should grant West Bend such further and additional relief as may be just and proper.

Respectfully submitted,

RICHARDSON LAW GROUP, PLLC

/s/Haley K. Dwyer

Melissa Thompson Richardson
771 Corporate Drive, Suite 900
Lexington, KY 40503
Telephone: 859-219-9090
Facsimile: 859-219-9292
Email: Melissa@RichardsonLawGrp.com

and

Haley K. Dwyer
920 Lily Creek Road, Suite 102
Louisville, Kentucky 40243
Telephone: (502) 785-9090
Facsimile: (502) 742-0326
Email: HDwyer@RichardsonLawGrp.com
COUNSEL FOR PLAINTIFF,
WEST BEND INSURANCE COMPANY

CERTIFICATE OF SERVICE

On February 25, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/Haley K. Dwyer

COUNSEL FOR PLAINTIFF,
WEST BEND INSURANCE COMPANY

7388.008131C:\NRPortbl\Golden_and_Walters\BEVERLY\2681085_1.DOCX